

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

No. 96-11008
Summary Calendar

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

versus

MICHAEL A. HEKIMAIN,

Defendant-Appellant.

Appeal from the United States District Court for the
Northern District of Texas
USDC No. 3:96-CR-80-R-1

June 12, 1997

Before KING, JOLLY, and DENNIS, Circuit Judges.

PER CURIAM:*

Michael A. Hekimain appeals his conviction for failure to appear for service of his sentence. Hekimain contends that the district court abused its discretion in denying his motion to recuse. Hekimain also contends that the district court erred in denying him a two-level reduction for acceptance of responsibility and in enhancing his offense level for obstruction of justice.

*Pursuant to Local Rule 47.5, the court has determined that this opinion should not be published and is not precedent except under the limited circumstances set forth in Local Rule 47.5.4.

We have reviewed the record and the briefs of the parties and hold that the district court did not abuse its discretion in denying the motion to recuse. United States v. Landerman, ___ F.3d ___ (5th Cir. Mar. 31, 1997, Nos. 94-10028, 94-10403), 1997 WL 144112. The district court's statements and actions occurred in the course of judicial proceedings, did not rely upon knowledge acquired outside such proceedings, and did not display deep-seated antagonism that would render fair judgment impossible. Landerman, 1997 WL 144112; Liteky v. United States, 510 U.S. 540 (1994). The district court also did not err in denying Hekimain a two-level reduction for acceptance of responsibility. United States v. Vital, 68 F.3d 114 (5th Cir. 1995); United States v. Marmolejo, 106 F.3d 1213 (5th Cir. 1997). Finally, the district court did not clearly err in enhancing Hekimain's offense level for obstruction of justice. United States v. Storm, 36 F.3d 1289 (5th Cir. 1994), cert. denied, 115 S.Ct. 1798 (1995); United States v. Dunnigan, 507 U.S. 87 (1993).

A F F I R M E D.